

REMARKS

A Notice of Appeal and a Pre-Appeal Brief Request for Review were filed in the present case on April 26, 2006.

As of the Final Office Action dated December 29, 2005, claims 1-29 were pending in the application, and claims 6-14 were withdrawn from consideration. On February 28, 2006, Appellant filed a Response to Final Office Action in which Appellant claims 1-14 and 20-24 were canceled, leaving claims 15-19 and 25-29 under consideration. On March 16, 2006, the Examiner issued an Advisory Action which was silent as to the status of the proposed amendments filed in the Response to Final Office Action. On June 7, 2006, a Notice of Panel Decision from Pre-Appeal Brief Review was issued. This Notice indicated that the panel has determined the status of the claims as follows: claims 1-5 and 15-29 rejected, and claims 6-14 withdrawn from consideration.

Accordingly, Appellant is unsure about the current state of the requested cancellation of claims 1-14 and 20-24. In the event that the amendment in the Response to Final Office Action filed on February 28, 2006, is not entered, Appellant hereby requests entry of the amendments proposed herein. Appellant submits that because this amendment is limited to solely the cancellation of claims 1-14 and 20-24, this amendment should be entered pursuant to MPEP § 1206 and 37 C.F.R. § 41.33.

With respect to all cancelled claims, Appellant has not dedicated or abandoned any unclaimed subject matter and moreover has not acquiesced to any rejections and/or objections made by the Patent Office. Appellant reserves the right to pursue prosecution of any presently excluded claim embodiment in future continuation and/or divisional applications.

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CONCLUSION

Should the Examiner have any questions about this Amendment, the Examiner is invited to call the undersigned Attorney for Applicants at (408) 392-9250.

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Attorney for Applicant(s)

8/2/2006
Date of Signature

Respectfully submitted,



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